

1 Thomas

2 question and answer was read back by the
3 Reporter.)

4 THE WITNESS: But they were big
5 strong guys.

6 MR. SEARS: No question.

7 Q. There is no question.

8 Who was the first person that came
9 to your assistance?

10 A. My husband.

11 Q. He helped you get back up?

12 A. They picked me up with the lady. I
13 don't know if she was the director there, but I
14 was in a lot of pain.

15 MR. WHITTON: Move to strike the
16 none response I have portions.

17 Q. Other than your husband, were there
18 other people that helped you get up?

19 A. No. My husband.

20 Q. Did other people come over to you
21 beside your husband?

22 A. Yes. There was a lady there. I
23 think she was the director. I'm not sure.
24 They brought me a bottle of water, but you
25 don't have to tell him about the bottle of

1 Thomas

2 water.

3 Q. When the lady came over, were you
4 already up or were you still on the floor?

5 A. My husband put me up. My husband
6 picked me up and then my husband helped me sit
7 on the chair that they brought me there to sit
8 on until the ambulance arrived.

9 Q. When your husband was helping you
10 up, was this female worker there or did she
11 come after your husband helped you up?

12 A. She came after. I think she might
13 have brought me the chair -- actually, I don't
14 remember.

15 Q. Somebody brought you a chair?

16 A. Yes.

17 Q. And you sat in the chair?

18 A. Yes.

19 Q. They brought you some water?

20 A. Yes. Danasi water, I think.

21 Q. Were you given anything else by the
22 Circuit City people?

23 A. No.

24 Q. Did any of the Circuit City people
25 talk to you?

1 Thomas

2 A. I said to them, you pushed me.

3 Q. Who did you say that to, the female
4 worker or others?

5 A. To the female. To the female
6 because I'm assuming she was the manager.

7 Q. Did you ever learn her name?

8 A. I don't know.

9 Q. Can you describe her?

10 A. She was a nice looking lady. I
11 think she was Spanish. Around thirty years
12 old.

13 Q. Other than this female worker, did
14 you speak with any other workers at the store?

15 A. No.

16 Q. When the female came over to you,
17 what was the first thing you said to her?

18 A. I said, you hit me. I said, the
19 security people hit me.

20 Q. How did you know that they were
21 security people?

22 A. Because they were chasing after the
23 thief. They must have been working in the
24 store.

25 Q. Did she say anything to you when

1 Thomas

2 you said that?

3 A. No. I don't even remember.

4 Q. That is fine. If you don't
5 remember, you tell us.

6 Did you say anything else to this
7 lady?

8 A. No. I said thank you for the
9 bottle of Danasi.

10 Q. Did this lady ask you anything?

11 A. No.

12 Q. Did she ask you if you were hurt?

13 A. Yes. She called the police and the
14 ambulance.

15 Q. She told you that?

16 A. My husband was saying I want police
17 and I want ambulance to take her to the
18 hospital.

19 Q. When this lady asked you if you
20 were hurt, what did you say in response?

21 A. I said they hit me.

22 Q. Did you say where you were hurt?

23 A. All over here (indicating).

24 MR. WHITTON: Indicating her right
25 arm and hand.

1 Thomas

2 Q. Anywhere else beside your right
3 arm/hand?

4 A. No. But I was holding onto my head
5 so I don't injure my head and die.

6 MR. WHITTON: Move to strike the
7 non-responsive portions.

8 Q. Do you remember anything else you
9 said to the lady in Circuit City?

10 A. I wanted to go to the hospital to
11 see what was going on.

12 Q. Is that a no, you said nothing else
13 to her?

14 A. No.

15 Q. Do you remember anything else this
16 lady at Circuit City said to either you or your
17 husband?

18 A. But that particular night a lady
19 called me and told me they put her in jail.

20 Q. That was on the telephone?

21 A. It was around 12:30 midnight.

22 Q. So that was a telephone at your
23 home, right?

24 A. Yes.

25 Q. Do you know if that was the same

1 Thomas

2 lady you had spoken to at the store?

3 A. I don't know because I was in pain.

4 MR. WHITTON: Move to strike the
5 non-responsive portions.

6 Q. Did you know this lady was from
7 Circuit City or was she from the police
8 department or something else?

9 A. I don't know.

10 Q. Did your husband speak with this
11 female worker other than to ask that the police
12 and ambulance be called?

13 A. Only that.

14 Q. Since that time, has your husband
15 ever told you he said something else to any of
16 the workers at Circuit City?

17 A. He didn't even get involved. No.

18 Q. Do you remember if anyone said
19 anything to your husband?

20 A. No.

21 Q. Have you spoken to your husband
22 about what happened since that day?

23 A. Well, I'm in pain and I go to the
24 doctor all the time, Dr. Kyriakides for therapy
25 until now.

1 Thomas

2 MR. SEARS: That is not the
3 question he asked.

4 MR. WHITTON: Move to strike the
5 non-responsive.

6 Q. Has your husband ever told you what
7 he saw happened?

8 A. He saw that I was yelling for help
9 and he was ahead of me.

10 Q. Did your husband see the person or
11 people that pushed you?

12 A. No because my husband always walks
13 ahead like this and we just wanted to leave. I
14 didn't know I'm going to get injured.

15 MR. WHITTON: Move to strike the
16 non-responsive portions.

17 Q. So your husband had his back to you
18 and you were following him out, right?

19 A. Yes. But I was yelling help, help
20 and I was yelling out his name to come and help
21 me because I had gotten injured and he couldn't
22 believe it.

23 MR. WHITTON: Move to strike the
24 non-responsive portions.

25 Q. Did you speak with any of the

1 Thomas

2 police that arrived?

3 A. No, but I think my husband was
4 talking with them.

5 Q. Did your husband ever tell you what
6 he said to the police or the police said to
7 him?

8 A. He was just -- it's just as he was
9 standing there in a minute. He was very upset
10 with what happened to me.

11 MR. WHITTON: Move to strike.

12 Q. Did your husband ever tell what you
13 the police said to him?

14 A. No.

15 Q. From the chair, did you go into a
16 little room, I believe you said earlier?

17 A. Yes. It was the office.

18 Q. Why did you go into the office?

19 A. They took me in there.

20 Q. Circuit City people asked you to
21 come into the office or the police did or
22 someone else?

23 A. I don't recall if it was the police
24 or the Circuit City people. This had never
25 happened to me before.

1 Thomas

2 Q. Inside the office was the female
3 thief; is that right?

4 A. Actually, they had her in a
5 different office with the police.

6 Q. Did you do something inside this
7 office or did you just sit?

8 A. They checked my blood pressure and
9 stuff like that.

10 MR. WHITTON: Off the record.

11 (Discussion held off the record.)

12 MR. SEARS: It seems that the
13 plaintiff is able to speak both English
14 and in Greek. We're having some
15 difficulty with the answers and
16 questions.

17 What we're going to do is we're
18 going to try, on consent, we're going to
19 try to do it in English. The plaintiff
20 herself indicated that she's
21 understanding everything that is going
22 on in English. We're going to try it.
23 If there is any difficulty, she's aware
24 she's going to ask the Greek
25 interpreter.

1 Thomas

2 MR. WHITTON: The Interpreter is
3 here and will remain here.

4 Q. Mrs. Thomas, when did the ambulance
5 people get there? While you were still in the
6 chair or while you were in the office?

7 A. I think I was in the office.

8 Q. Did you speak with the ambulance
9 people?

10 A. No. They didn't -- can I speak
11 English?

12 MR. SEARS: You're speaking
13 English.

14 A. They didn't want to put my husband
15 in the ambulance and I was crying. I said I
16 want my husband to come with me in the
17 hospital. Who is going to bring me home. Any
18 way and then they put me -- I told them to take
19 me to St. John's Hospital. They say no. We're
20 going to take you to Elmhurst. So they put
21 some ice on the hand.

22 Q. Your right hand and arm?

23 A. Yes. Yes. All over and still I
24 had pain (indicating). They left me there for
25 five hours.

1 Thomas

2 Q. In the hospital?

3 A. Right.

4 Q. Hold on. We'll get there.

5 The ambulance people, you told them
6 that your right arm and hand is what was
7 paining you; is that right?

8 A. Yes.

9 Q. Was there any other part of your
10 body that you were complaining was paining you?

11 A. No. They asked me.

12 Q. Before you left Circuit City, did
13 anyone have you write anything down about what
14 happened?

15 A. I don't think so. I don't
16 remember.

17 Q. Do you remember if either workers
18 at Circuit City or the police officers were
19 talking to you and writing things down while
20 they were talking to you?

21 A. Maybe they did.

22 Q. I don't want you to guess. If you
23 don't remember --

24 A. I don't remember.

25 Q. Perfect.

1 Thomas

2 Other than that telephone call that
3 you received later that night, did the police
4 ever contact you again about what happened?

5 A. No.

6 Q. Did anyone from the District
7 Attorney's Office ever contact you about what
8 happened?

9 A. Yes. Yes.

10 Q. Did they contact you by phone or in
11 writing?

12 A. Letter.

13 Q. Do you still have the letter?

14 A. Twice.

15 I think I have them at home.

16 MR. WHITTON: I'm going to make a
17 request to be provided with copies of
18 them.

19 I ask that you find them and turn
20 them over to your attorney.

21 A. He was very respectful in the
22 letter.

23 Q. Do you remember what the letter
24 said?

25 A. Tell you the truth, I read it and

1 Thomas

2 then I put it in a file. I don't remember
3 where is that file, but also the -- the Jewish
4 ladies wrote me a letter also to help me to
5 find an attorney. To help me, but I said I
6 have already.

7 Q. What lady wrote you that?

8 A. Jewish center. It was a Jewish
9 center for the elderly in Queens Boulevard.

10 Q. Other than that telephone call late
11 at night, did anyone from Circuit City ever
12 contact you again?

13 A. No.

14 Q. Did you receive anything in
15 writing?

16 A. Never.

17 Q. Did you ever go back to the Circuit
18 City store?

19 A. No, I didn't go.

20 Q. Has your husband gone back --

21 A. Nobody in my family.

22 Q. Nobody in your family has ever gone
23 back to the store?

24 A. Nobody.

25 Q. Has anyone from your family spoken

1 Thomas

2 with anybody from Circuit City?

3 A. Nobody.

4 (A brief was taken.)

5 Q. Ma'am, just before the break you
6 told me about the two letters from the District
7 Attorney's Office.

8 Did you ever actually speak with
9 anyone from the District Attorney's Office?

10 A. No.

11 Q. On the telephone, did you speak
12 with anyone from that office?

13 A. No.

14 Q. Do you remember what those letters
15 said?

16 A. Yes.

17 Q. What did three say?

18 A. Sorry for what happened and things
19 like that. Twice.

20 Q. Other than what you told me, do you
21 remember anything else that anyone from Circuit
22 City said to you that day?

23 A. No.

24 Q. When you were pushed, did you hit
25 anything? Did any part of your body hit

1 Thomas

2 anything before you landed on the floor, such
3 as a shelf or a counter or something?

4 A. Shelf.

5 Q. A shelf?

6 A. Metal. It was metal.

7 Q. That was what was on your
8 right-hand side?

9 A. Yes.

10 Q. You hit that with your right
11 arm/hand area?

12 A. With the right. Only with the
13 right.

14 Q. Did anything from the shelf or the
15 shelf itself fall?

16 A. The things were down.

17 Q. The shelves?

18 A. Yes. Like that, down (indicating).

19 Q. They fell down?

20 A. Yes. And have some things like --
21 I don't know how to explain -- like a small
22 wall.

23 Q. That was on the shelf that fell,
24 too?

25 A. No. My hand felt that.

1 Thomas

2 Q. Your hand hit against it?

3 A. Yes.

4 Q. Did the shelf itself fall down when
5 your arm hand hit it?

6 A. No.

7 Q. Other than the police, the
8 ambulance people and the female Circuit City
9 worker and your husband, did anyone else come
10 up to you after this had happened while you
11 were in the Circuit City store and talk to you?

12 A. No.

13 Q. The ambulance took you to Elmhurst
14 Hospital?

15 A. Right.

16 Q. Did your husband get there, too?

17 A. Of course.

18 Q. For how long were you there?

19 A. I was for five hours.

20 Q. This was in the emergency room?

21 A. Right.

22 Q. When you saw a doctor, what parts
23 of your body did you say hurt you?

24 A. Well, the doctor, you know, going
25 and coming and they said what happened. I said

1 Thomas

2 they hurt me in the hand very badly and nothing
3 she did. Only they asked me for my insurance
4 and stuff like that.

5 Q. Did they take any X-rays of you?

6 A. In Elmhurst, nothing.

7 Q. No X-rays?

8 A. No, nothing at all.

9 Q. Did they take any MRIs?

10 A. Nothing. They took when my husband
11 took me about four o'clock in the morning in
12 St. Luke's they took X-rays.

13 Q. We'll get there.

14 At Elmhurst they didn't do anything
15 any of that?

16 A. Nothing.

17 Q. Did they give you ice?

18 A. Ice.

19 Q. They put ice on your arm and wrist?

20 A. Yes.

21 Q. They give you any medication?

22 A. Nothing at all.

23 Q. After about five hours the hospital
24 said you can go?

25 A. Well, my husband was telling them,

1 Thomas

2 you going to do X-rays for my wife? Are you
3 going to check on my wife? Not yet. Not yet
4 not yet. So about 11:30 at night he took me
5 home giving me Tylenol and stuff like that.

6 Q. Do you remember what day of the
7 week that was?

8 A. I don't.

9 Q. The very next day, did you see any
10 doctor or go to any hospital?

11 A. I went to the hospital.

12 Q. That was St. Luke's?

13 A. Yes. 113th Street.

14 Q. And your husband took you there?

15 A. Yes.

16 Q. Did you go there because you still
17 had pain in your right arm and wrist?

18 A. Definitely, yes.

19 Q. Did you have pain anywhere else
20 beside your right arm --

21 A. Only my right arm (indicating).

22 Q. Only your right arm?

23 A. Yes.

24 Q. Let me re-ask the question. Let me
25 ask it first.

1 Thomas

2 On the day your husband took you to
3 St. Luke's, was the pain you were experiencing
4 still to just your right arm and hand?

5 A. Yes.

6 Q. When you got to St. Luke's that was
7 the emergency room?

8 A. Yes.

9 Q. Did you tell them what was paining
10 you?

11 A. Yes.

12 Q. That was your right arm and right
13 hand?

14 A. Yes.

15 Can I talk?

16 Q. What else did you tell them?

17 A. I told them I got hurt in Circuit
18 City.

19 Q. Anything else that you remember
20 telling them?

21 A. I went to Elmhurst Hospital and
22 they didn't do anything, that's why I came to
23 you I said.

24 Q. Did they do anything for you?

25 A. Yes.

1 Thomas

2 Q. What did they do?

3 A. X-rays.

4 Q. X-rays of your right arm and hand?

5 A. Yes.

6 Q. Anything else?

7 A. I don't know what else they did,
8 but I took two or four X-rays, they gave me and
9 then they put it in a cast.

10 Q. So a doctor looked at you?

11 A. Yes.

12 Q. And then he put your right arm in a
13 cast?

14 A. Right.

15 Q. Was this a hard cast or was that
16 soft cast?

17 A. I think the hard. I don't
18 remember. I had those things, but it was from
19 here to here (indicating).

20 Q. Indicating from just above your
21 right elbow down encompassing the lower portion
22 of your right hand?

23 A. (Indicating).

24 Q. Was it a wrap or was it something
25 that stayed permanently on?

1 Thomas

2 A. Permanent.

3 Q. What color was it?

4 A. White.

5 Q. When you were at St. Luke's, did
6 anybody tell you what the X-rays showed?

7 A. No. I don't remember.

8 Q. Did anyone at the hospital tell you
9 what was wrong with your right arm and hand?

10 A. No, not really, but they have my
11 records there.

12 Q. Sure.

13 Do you have an understanding of
14 what happened to your right arm and hand?

15 A. I understand -- can I say this --

16 Q. Yes. You learned later on in other
17 words?

18 A. No. I went to Dr. Kyriakides after
19 that hospital.

20 Q. Let me cut you off. We're going to
21 get to that doctor. I will give you the chance
22 then. That's fine.

23 When you were at St. Luke's that
24 day, do you remember if you learned what was
25 wrong with your right arm and if you don't

1 Thomas

2 remember, that's fine?

3 A. I don't remember.

4 Q. Fine.

5 A. Not that I don't remember. I don't
6 know.

7 Q. Did they give you any medication?

8 A. No. No.

9 Q. How long were you at St. Luke's?

10 A. Hour -- I didn't stay in the
11 hospital. About two, three hours.

12 Q. And then they sent you back home?

13 A. Yes.

14 Q. Back in December of 2006, did you
15 have a family doctor?

16 A. I have a family doctor before that,
17 too.

18 Q. In December of 2006, who was your
19 family doctor?

20 A. My family doctor is Dr. Goorny,
21 Mark Goorny, in St. Luke's. 425 9th Avenue.
22 St. Luke's Clinic and Dr. Pal. I have two
23 doctors.

24 Q. What was the name of the second
25 doctor?